Decision 03-01-014 January 16, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the State of California,
Department of Transportation, for an order
authorizing the Department to:
Widen the northbound structure of the West
Van Nuys Overhead Bridge No. 53-1362
(PUC No. BY-456.80-A) over the tracks of the
Los Angeles County Metropolitan
Transportation Authority, County of Los
Angeles.

Application 01-12-037 (Filed December 24, 2001)

OPINION

Summary

State of California, Department of Transportation (Caltrans) requests authority to widen the northbound grade-separated highway-rail crossing (crossing) of the West Van Nuys Overhead Bridge, California Public Utilities Commission (CPUC) Crossing No. BY-456.80-A, of State Route (SR) 405 (San Diego Freeway) over the tracks of the Los Angeles County Metropolitan Transportation Authority (LACMTA), in the City of Los Angeles, Los Angeles County.

Discussion

Caltrans proposes to widen the existing northbound crossing of the West Van Nuys Overhead Bridge of SR-405, which crosses over the LACMTA track and right-of-way, to accommodate a new sound wall in the northbound direction of SR-405. The addition of a sound wall will benefit the public by reducing noise and improving safety. The LACMTA track currently is non-operational. The

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proposed project involves widening of the existing northbound crossing by approximately 3.3 meters (10.8 feet), without affecting horizontal and vertical clearances. Caltrans will not perform work on the southbound crossing of SR-405 and outside of its right-of-way.

Caltrans is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), Public Resources Code Section 21000 et seq. On June 11, 1999, Caltrans approved a Categorical Exemption/Programmatic Categorical Exclusion, which finds that the project is categorically exempt under both CEQA and National Environmental Policy Act guidelines. Attached to Appendix A of the order is a copy of the Categorical Exemption. The Categorical Exemption found that "This project does not fall within an exempt class but it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment" as specified in CEQA Guideline Section 15061(b)(3).

The Commission is a responsible agency for this project under CEQA. CEQA requires that the Commission consider that portion of the environmental consequences of a project within its area of expertise subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). CEQA Guideline Section 15096 contains the specific activities that a responsible agency must conduct.

The Commission has reviewed and considered the lead agency's Categorical Exemption/Programmatic Categorical Exclusion determination. We are not aware of any information that would suggest that Caltrans exemption and exclusion classifications were inappropriate in this instance. We find that

Caltrans reasonably concluded, pursuant to CEQA Guideline Section 15061(b)(3), that the proposed widening project of the northbound crossing of the West Van Nuys Overhead Bridge of SR-405 will not have a significant effect on the environment under CEQA. Accordingly, we will adopt Caltrans' findings for purposes of our approval.

The Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) has inspected the site of the proposed widening project of the northbound crossing of the West Van Nuys Overhead Bridge of SR-405. After reviewing the need for and the safety of the proposed widened northbound crossing of the West Van Nuys Overhead Bridge of SR-405, RCES recommends that the Commission grant Caltrans' request.

The application is in compliance under the Commission's filing requirements, including Rule 39 of Rules of Practice and Procedure, which relates to the widening or relocation of an existing crossing. Shown in Appendix B attached to the order are a site map and detailed drawings of the proposed widened northbound crossing of West Van Nuys Overhead Bridge of SR-405.

In Resolution ALJ 176-3079, dated January 9, 2002, and published in the Commission Daily Calendar on January 10, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed and no hearings were held, this preliminary determination remains accurate. Given these developments, it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3079.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), we waive the otherwise applicable 30-day period for public review and comment.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

- 1. The Commission published Notice of the application in the Commission Daily Calendar on January 2, 2002. There are no unresolved matters or protests; a public hearing is not necessary.
- 2. Caltrans requests authority, under Public Utilities Code Sections 1201-1205, to widen the existing northbound crossing of the West Van Nuys Bridge of SR-405 over the tracks of LACMTA in the City of Los Angeles, Los Angeles County.
- 3. The proposed widening of the existing northbound crossing of the West Van Nuys Overhead Bridge of SR-405 is necessary to accommodate a new sound wall in the northbound direction of SR-405. The sound wall will benefit the public by reducing noise and improving safety.
- 4. Public convenience, necessity, and safety require the widening of the existing northbound crossing of the West Van Nuys Overhead Bridge of SR-405.
 - 5. Caltrans is the lead agency for this project under CEQA, as amended.
- 6. Caltrans approved on June 11, 1999, a Categorical Exemption/ Programmatic Categorical Exclusion for this project.
- 7. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's Categorical Exemption/Programmatic Categorical Exclusion.

Conclusions of Law

1. We believe Caltrans reasonably concluded, pursuant to CEQA Guideline Section 15061(b)(3), that the project will not have a significant effect on the

environment under CEQA and we adopt Caltrans' Categorical Exemption/ Programmatic Categorical Exclusion for purposes of our approval.

2. The Commission grants the application as set forth in the following order.

ORDER

IT IS ORDERED that:

- 1. State of California, Department of Transportation (Caltrans) is authorized to widen the northbound grade-separated highway-rail crossing of the West Van Nuys Overhead Bridge of State Route 405 over the tracks of the Los Angeles County Metropolitan Transportation Authority (LACMTA) in the City of Los Angeles, Los Angeles County, at the location and substantially as shown by the plans attached to the Application and Appendix B of this order, identified as CPUC Crossing No. BY-456.80-A.
 - 2. Clearances shall conform to General Order (GO) 26-D.
- 3. Walkways shall conform to GO 118. Caltrans and LACMTA shall maintain walkways adjacent to any trackage subject to rail operations free of obstructions and shall promptly restore walkways to their original condition in the event of damage during construction.
- 4. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between Caltrans and LACMTA (parties). Caltrans shall file a copy of the agreement with the Rail Crossings Engineering Section (RCES) prior to construction. Should the parties fail to agree, the Commission shall apportion the costs of construction and maintenance by further order.
- 5. Within 30 days after completion of the work under this order, LACMTA shall notify RCES in writing, by submitting a completed standard Commission

Form G (Report of Changes at Highway Grade Crossings and Separations), of the completion of the authorized work.

- 6. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. The Commission may revoke or modify authorization if public convenience, necessity or safety so require.
 - 7. The Commission grants the application as set forth above.
 - 8. Application 01-12-037 is closed.

This order becomes effective 30 days from today.

Dated January 16, 2003, at San Francisco, California.

MICHAEL R. PEEVEY
President
CARL W. WOOD
LORETTA M. LYNCH
GEOFFREY F. BROWN
SUSAN P. KENNEDY
Commissioners

APPENDIX A

ENVIRONMENTAL DOCUMENT

CATEGORICAL EXEMPTION CATEGORICAL EXCLUSION/PROGRAMMATIC CATEGORICAL EXCLUSION DETERMINATION FORM

Victor	y Boulevard and Shermanducted within the state-	an Way in the San Fe	ong the San Diego Freew ernando Valley area of the This project will not imp	City of Los Angel	es. All work will
CEQA	COMPLIANCE				
STATE		14 CCR 15300 et seq.) exempt class 3, 4, 5, 6 o	pliance is attached. [] r 11, it does not impact an er ped and officially adopted pu		of hazardous or
• -			this project and successive		type in the same
•	circumstances. This project does not dam This project is not located	nage a scenic resource v	ect will have a significant effe within an officially designated ny list compiled pursuant to 0 e change in the significance of	f state scenic highway Govt. Code § 65962.5	/. ("Cortese List").
CALTF	RANS CEQA DETERM	MINATION (for State	Projects only)		
Signature	e: Environmental Office Chi	6-10-99 lef Date	e activity may have a signific	inler	G·//-GG Date
	This project does not invo This project does not invo the National Historic Presi In nonattainment or maint plan and Transportation Ir	e a significant impact on tive substantial controve tive significant impacts of ervation Act. enance areas for Feder mprovement Program. with all Federal, State, 8	in the environment as defined in the environmental ground on properties protected by Serial air quality standards: this particularly standards on the serial laws, requirements or	is. ection 4(f) of the DOT project comes from a	currently conforming
() Base	AMMATIC CATEGORICAL ed on the evaluation of this ogrammatic Categorical Exc	project and supporting	documentation in the project	files, all the condition	s of the September
CALTE	RANS NEPA DETERM	MINATION	•		
	n an examination of this progorical Exclusion	m 6-10-	Signature: Proje	nerts, it/s determined Categorical Exclusion Categorical Exclusion ect Manager/DLA Eng Es / DLAE: for Local A	n 6-//-9
Based or	for all State & Local CEs)				
Based or () Cated Signa		f applicable)			
Based or () Cated Signa (// FHWA Based or	for all State & Local CEs) DETERMINATION (i	ect and the statements	above, it is determined that the	he project meets the c	criteria of and is

Rec 10.30-01

APPENDIX B PLANS



